

# LEGAL AID FOUNDATION OF LOS ANGELES

**Central Office**  
1550 W. Eighth Street  
Los Angeles, CA 90017-4316  
(213) 640-3881

**Long Beach Office**  
110 Pine Avenue, Suite 420  
Long Beach, CA 90802-4421  
(562) 435-3501

**ATTORNEYS AT LAW**  
5228 East Whittier Boulevard  
Los Angeles, California 90022-4013  
Telephone: (213) 640-3883  
Fax: (213) 640-3911

**Santa Monica Office**  
1640 Fifth Street, Suite 124  
Santa Monica, CA 90401-3343  
(310) 899-6200

**South Central Office**  
8601 S. Broadway  
Los Angeles, CA 90003-3319  
(213) 640-3884

**West Office**  
1102 Crenshaw Boulevard  
Los Angeles, CA 90019-3111  
(323) 801-7989

Writer's Direct Dial Number

Our File Number

March 7, 2003

Mattie Condray  
Senior Assistant General Counsel  
Office of Legal Affairs  
Legal Services Corporation  
750 First Street, N.E.  
Washington, D.C. 20002

Dear Ms. Condray:

The Legal Aid Foundation of Los Angeles (LAFLA) submits these comments in response to the Legal Service Corporation's request for comments on its limited English proficiency (LEP) Guidance. The request seeks public comment regarding the issue of whether, and in what form, LSC should issue guidance to its recipients on their obligations to provide services to persons with limited English proficiency.

LAFLA is the frontline law firm for low-income people in Los Angeles. LAFLA is committed to promoting access to justice, strengthening communities, and effecting systemic change through representation, advocacy, and communication. Sixty percent of the working poor in Los Angeles are foreign-born non-citizens and eighty percent of Los Angeles' working poor families have two adults with children. In California, 4.4 million (16.2%) persons do not speak English well; this figure is comprised of 3.0 million Spanish speakers and 1.1 million speakers of an Asian or Pacific Islander language (1990 Census figures).

LAFLA applauds LSC for its efforts in seeking input from its grantees on what action to take regarding LEP access to LSC-funded services. The LEP Guidance issued by the Department of Justice to its grantees is a much needed tool in the fight against discrimination and in ensuring equal access to every LEP person in the law enforcement setting. As other federal agencies must look to the DOJ Guidance as a model, the Guidance can also serve as a template for best practices and efforts to LSC grantees.

Regardless of whether Title VI applies to LSC, recipients of LSC should provide LEP persons with equal access and meaningful access in all programs and activities. As one of the organizations that has brought action against another agency for its failure to abide by Title VI, LAFLA understands its obligation to provide services to our clients in a non-discriminatory manner. We believe that LSC funded programs that may not have developed or implemented LEP policies have done so due to a lack of technical assistance in this area and budgetary constraints.

Below, we address the various options that LSC proposes in its request for comments. We have taken LSC's pros and cons analyses for the five options, along with our own experience as a grantee, into consideration to provide LSC with our reasoning with respect to each option.

#### Option 1: Issuing Regulations

LAFLA urges LSC not to issue new regulations to address the Title VI issues for LEP persons. Executive Order 13166 does not impose any new legal requirements on federal agencies or require any new regulations. The model LEP Guidance issued by the Department of Justice (DOJ) is simply a guide and clarification of the obligations of recipients under Title VI. We understand that LSC chose to issue regulations pertaining to Section 504 of the Rehabilitation Act of 1973, but do not think that regulations are warranted in this situation. Any new regulations would overburden LSC recipients. The monitoring of compliance with such regulations would cause added burdens on LSC and its program staff.

#### Option 2: Issuing Non-Regulatory Guidance

LAFLA supports the issuance of non-regulatory guidance if developed by LSC recipients and partners with experts on LEP issues. The issue of expertise is very important in that LSC recipients must be given the necessary tools from experts in the area in order to properly assess their LEP needs as well as to formulate best practices. Advocates from LAFLA and other LSC grantees nationally are already experienced in LEP advocacy on many issues and would be a great resource for such development. Additional expertise by other LEP advocates from other fields would also prove insightful as the parameters of legal assistance touch upon services that are affected directly in other areas of federal funding.

Should LSC pursue the option of issuing non-regulatory guidance, we suggest that LSC emphasize its non-regulatory nature. As stated in the request for comments, LSC itself is not subject to the Executive Order but looks at this Guidance process as an opportunity to explore whether its grantees could also benefit from this Federal effort to promote Title VI compliance. Should LSC choose to develop a Guidance, it should not lose sight of this purpose.

#### Option 3: Refraining from Issuing Guidance

Were LSC to refrain from issuing its own guidance and instead simply commend the DOJ Guidance to its grantees, there could be a lack of consistency in terms of program compliance. The DOJ Guidance is tailored to specific law enforcement program grantees and thus its substantive examples may not be applicable. If LSC chooses to refer grantees to the DOJ Guidance, it needs to ensure that grantees understand the main aspects of the DOJ Guidance (i.e., the four-factor analysis, methods of providing language assistance services, etc.) so that they can measure their own program's capability and performance.

#### Option 4: Refraining from Taking Any Action

LAFLA strongly believes that LSC should not exercise this option. As the latest Census 2000 data becomes available we see that language diversity is increasing in the United States and thus the LEP population served by LSC grantees is also growing. It would be a mistake for LSC to take no action on this issue. LSC should, at the very least, provide its grantees technical assistance, information, and best practices models to tailor to their specific programs.

#### Option 5: Other Actions

LAFLA is an LSC recipient that has implemented innovative language services for the Asian/Pacific Islander communities via the Asian Language Legal Intake Project (a collaboration of three LSC recipients and one civil rights office) in the Los Angeles area. LAFLA is well aware of the need for models of best practices, the need for technical assistance and the budgetary constraints that can limit the implementation of access to LEP services.

LAFLA strongly believes that LSC should develop models of best practices and other technical assistance in order to help LSC recipients better serve LEP communities. We recommend that LSC issue a "Best Practices" informational brochure to its grantees.

Additionally, a very important component of developing and expanding services to LEP persons is the issue of cost. As services are expanded to LEP persons, LSC should consider including a request for more money to LSC funded programs based on the need for technical assistance, more bilingual staff and the development of resources for clients.

Once again, we thank you for the opportunity to comment and make suggestions. If you have any questions please contact me at [sargueta@lafla.org](mailto:sargueta@lafla.org) or (213) 640-3916.

Sincerely,

Silvia Argueta  
Senior Attorney  
Legal Aid Foundation of Los Angeles